

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-23 and 25-42 will be pending. Claims 1, 16, 25, and 26 have been amended. No new matter has been added.

§101 Rejection of Claim 25

In Section 2 of the Office Action, the Examiner has rejected claim 25 under 35 U.S.C. §101 for failing to define, describe or refer to any useful, concrete, and tangible feature. This rejection is addressed below.

Claim 25, as presented herein, includes a limitation that “each part of said information provides timing information of each data packet relative to other data packets in said plurality of data packets.” Thus, the structure of the digital signal, as defined above, provides greater flexibility and decreased timing jitter than those of the prior art digital signals. Therefore, the digital signal as defined and described in claim 25 provides useful, concrete, and tangible features. Accordingly, it is submitted that the Examiner’s rejection of claim 25 based upon 35 U.S.C. §101 has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§102 Rejection of Claims 1 and 25

In Section 4 of the Office Action, the Examiner has rejected claims 1 and 25 under 35 U.S.C. §102(e) as being anticipated by Fujii *et al.* (U.S. Patent 5,966,385; hereinafter referred to as “Fujii”).

Claims 1 and 25, as presented herein, disclose a digital signal (claim 25) and an encoder for encoding the digital signal (claim 1). The digital signal comprises a plurality of data blocks, which is used to carry data. Each data block includes a header and at least one slot, each of which includes a slot header and a data packet. The data packet of the first slot includes a first part of the digital signal and a reference time relating to the time of production of the first part. Each data packet of the subsequent slots includes a subsequent part of the digital signal and timing information defining the time of production of the subsequent part relative to the reference time. Further, the digital signal includes information whose parts provide timing of data packets relative to each other. Claims 1 and 25 include this limitation.

Fujii however fails to teach or suggest maintaining relative timing information between each packet slot so that those blocks or chunks can be reconstituted with minimal jitter in the data.

Based upon the foregoing, it is submitted that claims 1 and 25, as presented herein, are not anticipated by the teachings of Fujii. Accordingly, it is submitted that the Examiner's rejection of claims 1 and 25 based upon 35 U.S.C. §102(e) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 2-8 and 26-33

In Section 9 of the Office Action, the Examiner has rejected claims 2-8 and 26-33 under 35 U.S.C. §103(a) as being unpatentable over Fujii, as applied to claims 1 and 25 above, and in view of O'Grady (U.S. Patent 6,195,392).

Claims 2-8 and 26-33 depend from claims 1 and 25, respectively. In light of the above-discussion regarding claims 1 and 25, claims 2-8 and 26-33 should be allowable over Fujii.

Based upon the foregoing, it is submitted that claims 2-8 and 26-33 are not rendered obvious by the teachings of Fujii and O'Grady, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 2-8 and 26-33 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 16-23 and 34

In Section 10 of the Office Action, the Examiner has rejected claims 16-23 and 34 under 35 U.S.C. §103(a) as being unpatentable over Fujii, as applied to claims 1 and 25 above, and in view of O'Grady and Lenihan *et al.* (U.S. Patent 6,169,843; hereinafter referred to as "Lenihan").

The decoder of claim 16, as presented herein, includes a means for providing timing information of each data packet relative to other data packets in the plurality of data packets. Based on the above discussion regarding claims 1 and 25, claim 16 should also be allowable. Since claims 17-23 and 34 depend from claims 16 and 25, respectively, claims 17-23 and 34 should also be allowable over the combination of Fujii, O'Grady, and Lenihan.

Based upon the foregoing, it is submitted that claims 16-23 and 34 are not rendered obvious by the teachings of Fujii, O'Grady, and Lenihan. Accordingly, it is submitted that the Examiner's rejection of claims 16-23 and 34 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 9-15 and 35-42

In Section 11 of the Office Action, the Examiner has rejected claims 9-15 and 35-42 under 35 U.S.C. §103(a) as being unpatentable over Fujii, as applied to claims 1 and 25 above, and in view of Hurst.

Claims 9-15 and 35-42 depend from claims 1 and 25, respectively. Based on the foregoing discussion with respect to claims 1 and 25, claims 9-15 and 35-42 should be allowable over Fujii. Further, the Examiner indicates in Section 11 of the Office Action that “Hurst teaches that blocks of data do not need to be evenly distributed or of similar size in order to be transported within an SDTI system (Hurst: column 3, lines 62-64, wherein the chunks are the blocks of data).” Thus, it appears that Hurst teaches variable length data blocks, but fails to teach or suggest providing timing information of parts of the digital signal relative to the reference time. Therefore, it does not appear that the combination of Fujii and Hurst teaches or suggests the encoder and the digital signal of claims 9-15 and 35-42.

Based upon the foregoing, it is submitted that claims 9-15 and 35-42 are not rendered obvious by the teachings of Fujii and Hurst. Accordingly, it is submitted that the Examiner’s rejection of claims 9-15 and 35-42 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

CONCLUSION

In view of the foregoing, entry of this amendment and the allowance of this application with claims 1-23 and 25-42 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.


In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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